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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,139	01/16/2001	Mark Moir	001345	3420

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/761,139	Applicant(s) MOIR, MARK	
	Examiner Scott Beliveau	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 October 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kohno et al. (US Pat No. 6,462,784).

In consideration of claim 1, Figures 1 and 6 of the Kohno et al. reference illustrates a “television program guide display relating to programs which can be selected to be viewed”. As illustrated in Figure 6, the “display” [80] comprises a “grid having a time bar to indicate the particular time period to which the display relates” [85], a “series of cells . . . representing a program and one or a number of cells representing a program channel” and further “selectable to select a program for viewing” (Col 7, Line 59 – Col 8, Line 46). As illustrated “at least one or more programs indicated by one or more corresponding cells within the grid . . . finishes outside a time period” (ex. now showing) “represented by the time bar on the display” such that a “display portion” [82D] is “generated on the display for each of said cells corresponding to the one or more programs and said display portion shows the time . . . for which the program will last beyond the end of the time period represented by the time bar” and the “display portion is generated simultaneously for two or more cells within the grid”. For example, as illustrated, the display portion indicates that the programs may extend beyond the displayed time period (ex. now) for up to two hours or may start up to one hour prior to the displayed time period (ex. now).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838) in view of Matthews, III (US Pat No. 5,654,748).

Claim 5 is rejected wherein the Lawler et al. reference discloses a “method of generating a television program guide . . . including at least one display page comprising a grid” (Figure 3). The method comprises “generating said grid” [80] by “providing a time bar” [82] and a “series of cells . . . indicating a program to be shown on a particular channel over the time period displayed” [88] and “the size of each cell indicating the start, finish and length of each program with respect to the time bar” (Col 8, Line 32 – Col 9, Line 17). The “time bar” [82] is operable to comprise any number of columns (Col 5, Lines 24-26). The reference further includes or generates a “display portion” [108] which is operable to display the time remaining and further suggests that the “display” [108] is operable to display more detailed information about a selected program (Col 10, Lines 20-22).

The Matthews, III reference discloses that it is known in the art that for a “display” [78] to display the time which has elapsed since the program started or the time remaining in a program (Col 5, Lines 44-49). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Lawler et al. “display” [108] to further comprise more detailed information about a selected program including the time which has elapsed since the program started for the purpose of providing the user with additional information so as to make informed program selections (Matthews, III: Col 7, Lines 61-62).

Taken in combination, the combined teachings would “calculate for each of the cells the difference between the start time of the time bar and the start time of the program when at

least one or more programs indicated by one or more corresponding cells within the grid starts outside the time period displayed” and “calculates for each of the cells difference between the end time of the time bar and the finish time of the program when at least one or more programs indicated by one or more corresponding cells within the grid finishes outside the time period displayed” subsequent to the user selecting each of those cells. For example, turning to Figure 3 of the Lawler et al. reference, if a user selected the program “My Fair Lady” which started prior to 2:30 PM as noted by the indicator [90] (not shown in figure) (Col 9, Lines 7-17) and it is currently 2:30 PM which is the first and/or only time period illustrated, then the system would calculate between the start time of the time bar which coincides with the current time and the actual start time of the program and display the difference of 30 minutes so to indicate that the program started 30 minutes ago or 30 minutes prior to what is illustrated in the time bar. Furthermore, using the same example, assuming that the time period was adjusted to display from between 1:30 and 3:00 PM and it is currently 2:30 PM, the selection of “My Fair Lady” would indicate that the program extends 30 past the displayed time frame.

Claim 7 is rejected wherein the method further includes “transmitting the calculation and data relating to the calculation from a broadcaster at a remote location to a broadcast data receiver so that during the processing of the data, the broadcast data receiver can generate the display page to include said time indications” (Lawler et al.: Figure 1; Col 12, Line 60 – Col 13, Line 15).

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838) in view of Matthews, III (US Pat No. 5,654,748), and in further view of Applicant's admitted prior art (APA).

In consideration of claim 6, the aforementioned "display portion" [108] is "provided as an additional portion of the cell" providing information over and above that which would otherwise fit and "in said additional portion will be displayed the time which elapsed or will lapse from the start or before the finish of the program as appropriate" as aforementioned. While the combined references further set forth the display of an indicator [90] which "indicates programs which have started or will finish outside the time period which is displayed on the display page", the reference teaches that it is particularly displayed on the "appropriate" side of the grid (ex. on the right hand side of the program tile to indicate programs extend into the future" (Lawler et al.: Col 9, Lines 7-17). However, it is unclear if the illustration necessarily is displayed such that it "protrudes from the . . . side edge of the grid". APA provides evidence that it is a conventional to "indicate programs which have started or will finish outside the time period which is displayed on the display page [such that those cells] will protrude from the appropriate side edge of the grid" (APA: Page 2, Lines 20-31). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify the Lawler et al. indicators [90] so as to particularly "protrude from the appropriate side edge of the grid" for the purpose of indicating to the user whether a program has started or finished in a conventional manner.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The RD 285007 A publication discloses a method for displaying a program guide with a graphic representation of the period time which has elapsed as well as the length of a program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott Beliveau
Examiner
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November 30, 2005